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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**


In re patent application of:	)	Before the Examiner
Thomas Zdeblick et al.	)	Alvin J. Stewart
	)	
Serial No. 10/763,719	)	Group Art Unit 3774
	)	
Filed January 23, 2004	)	Ref. No. MSDI-200/PC261.21
	)	
METHODS AND INSTRUMENTS	)	August 27, 2009
FOR INTERBODY FUSION	)	

**Via Facsimile Transmission: 571-273-8300****AMENDMENT AFTER NOTICE OF ALLOWANCE UNDER 37 CFR 1.312**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please enter and consider the following amendments and remarks in the subject application. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:	
August 27, 2009	
Date of Transmission	
Brad A. Schepers	
Name of Registered Representative	
	
Signature	
August 27, 2009	
Date of Signature	

**INTRODUCTORY COMMENTS**

Claims 15-19, 21-23, 39-43, 45, 46, 50-52, 65, 67, 71 and 73 were allowed in a Notice of Allowance mailed on July 6, 2009. Upon reviewing the allowed claims, the Applicant discovered informalities associated with pending claims 41 and 52, as amended via the Examiner's Amendment accompanying the Notice of Allowance. The Applicant therefore submits the current amendment under 37 CFR 1.312 to correct the informalities associated with claims 41 and 52, and respectfully requests entry of the same.